federal register

Friday
April 17, 1981

Part IV

Department of Agriculture

Agricultural Marketing Service

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Requirement

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 667]

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: This regulation requires fresh California-Arizona Valencia oranges shipped to market from Districts 1, 2, and 3 to be at least 2.32 inches in diameter for the period April 17, 1981, through June 25, 1981. This requirement is necessary to promote orderly marketing in the interest of producers and consumers.

DATES: Interim rule effective April 17, 1981; comments which are received by May 18, 1981 will be considered.

ADDRESS: Send comments to: Office of the Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 908, both as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and a designated part of California. This marketing order is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that the regulation of shipments of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee indicates that volume and size composition of the crop of Valencia oranges are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes of fruit. In the circumstances, elimination of sizes smaller than 2.32 inches in diameter is in the interest of growers and consumers. Valencia oranges failing to meet such requirements could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. Shipments of Valencia oranges from the production area are in progress and handlers have been notified of the effective date of this provision.

§ 908.967 is added as follows:

§ 908.967 Valencia Orange Regulation 667.

During the period April 17, 1981, through June 25, 1981, no handler shall handle any Valencia oranges grown in Districts 1, 2, and 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(Secs. 1-19, 48 Stat. 31, as amended: 7 U.S.C. 601-674)

Dated: April 6, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-11891 Filed 4-16-81; 11:04 am]

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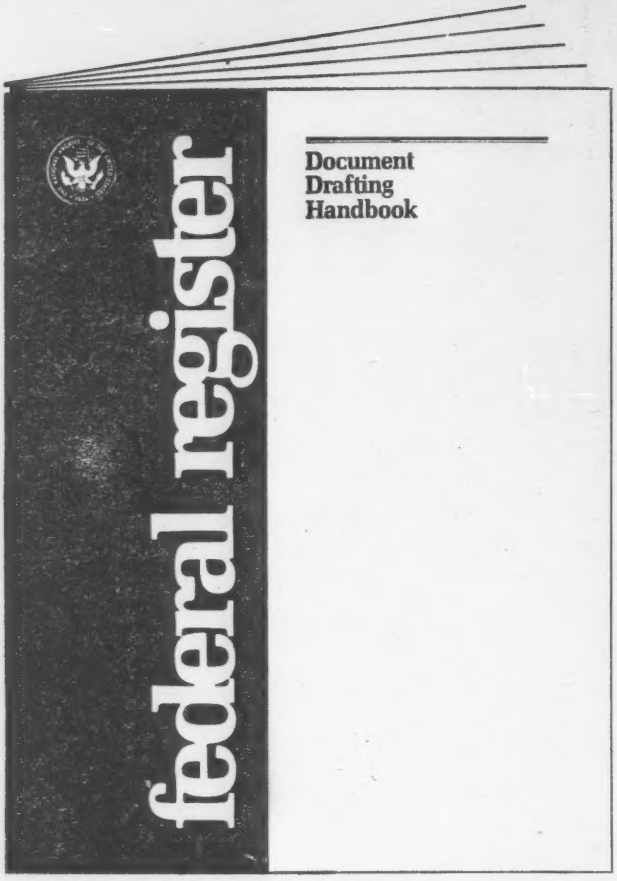

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